

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-12253JLA

STEVEN MCDERMOTT and
STACEY MCDERMOTT,
Plaintiffs,

v.

FEDEX GROUND PACKAGE SYSTEMS, INC.,
T.S. PRUITT, ALLEGIANCE HEALTH CARE
INC., D. PONCE, E.W. WYLIE CORPORATION,
D.W. SMITH, ARSENBERGER TRUCKING
INC. J.T. FOSBRINK, RYDER TRUCK RENTAL,
LORRAINE ODZANA as ADMINISTRATRIX
OF THE ESTATE OF JAMES J. ODZANA,
SHORELINE TRANSPORTATION, INC.,
JACYLYN PALETTA as ADMINSTRATRIX
OF THE ESTATE OF MARIO J. CASTRO,
Defendants.

DEFENDANT JACLYN PALETTA'S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION

The Defendant, Jaclyn Paletta, as Administratrix of the Estate of Mario Castro (hereinafter "Paletta"), hereby moves pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure that all claims and cross-claims against her be dismissed for lack of personal jurisdiction. In support, Paletta relies on its memorandum of law with exhibits and affidavits of Russ Mazzeo and Jaclyn Paletta, both of which are filed herewith and are incorporated by reference herein.

Respectfully Submitted,
JACLYN PALETTA as
ADMINISTRATRIX of the
ESTATE OF MARIO J. CASTRO,
By her attorney,

/s/

Dated: July 23, 2007

James S. Franchek (BBO #177030)
Adam M. Berkowitz (BBO #648172)
Franchek Law, LLC
92 State Street, 8th Floor
Boston, Massachusetts 02109
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CERTIFICATE OF FULE 7.1 CONFERENCE AND OF SERVICE

I, Adam M. Berkowitz, Esq., hereby certify that prior to filing the above motion the parties conferred at the June 20, 2007 Status Conference concerning its subject matter in a good faith attempt to resolve or narrow the issues presented. The undersigned further certifies that on July 23, 2007 this document is being filed through the ECF system and, accordingly, is being sent electronically to the registered participants as identified on the Notice of Electronic Filing and a paper copy will be sent to any party indicated as a non-registered participant

/s/

Adam M. Berkowitz

Dated: July 23, 2007